

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ROBERT LILLBURN NELSON, III,

Plaintiff,

v.

U.S. FOODS, *et al.*,

Defendants.

Case No. 3:20-cv-00687-MMD-CLB

ORDER

Pro se Plaintiff Robert Nelson, III, brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 3), recommending that Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1 (“IFP”)) be granted, and that Plaintiff’s complaint (ECF No. 1-1) be dismissed with prejudice. Plaintiff had until January 27, 2021 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will grant Plaintiff’s IFP application and dismiss his complaint.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

1 Because there is no objection, the Court need not conduct *de novo* review, and is
2 satisfied Judge Baldwin did not clearly err. Here, Judge Baldwin recommends Plaintiff's
3 complaint be dismissed with prejudice because he has not stated a claim upon which
4 relief may be granted and amendment of the complaint would be futile. (ECF No. 3 at 3-
5 5.) The Court agrees with Judge Baldwin. Having reviewed the R&R and the record in
6 this case, the Court will adopt the R&R in full.

7 It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF
8 No. 3) is accepted and adopted in full.

9 It is further ordered that Plaintiff's application to proceed *in forma pauperis* (ECF
10 No. 1) is granted.

11 It is further ordered that Plaintiff's complaint (ECF No. 1-1) is dismissed with
12 prejudice.

13 The Clerk of Court is directed to enter judgment accordingly and to close this case.

14 DATED THIS 29th Day of January 2021.

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18 MIRANDA M. DU
19 CHIEF UNITED STATES DISTRICT JUDGE
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